IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

WP(C).No. 33598 of 2007(Y)

AGAINST THE ORDER DATED 23/10/2007 IN EP 1626/2006 IN RCP.116/2003 of PRL.MUNSIFF'S COURT,THRISSUR

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PETITIONERS:
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1. SULOCHANA, AGED 37 YEARS,
D/O. KAREKKATTIL CHATHAN, THRIKKUMARAMKUDAM DESOM,
AYYANTHOLE VILLAGE, THRISSUR TALUK.

2. JAYAN, S/O.KOTTEKKATTIL SREEDHARAN,
THRIKKUMARAMKUDAM DESOM, AYYANTHOLE VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

RESPONDENTS:
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1. RAMAN, AGED 54 YEARS,
S/O. NEDUMVEETTIL MANI,THRIKKUMARAMKUDAM DESOM,
AYYANTHOLE VILLAGE, THRISSUR TALUK.

2. SAROJINI, AGED 52 YEARS,
W/O. RAMAN, THRIKKUMARAMKUDAM DESOM,
AYYANTHOLE VILLAGE, THRISSUR TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &
K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 33598 OF 2007-Y

Dated 14th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are the respondents in R.C.P.No.116/2003 before the Rent Control Court. The R.C.P was disposed of by allowing the I.A filed by the landlords under Section 12(3) of the Kerala Buildings (Lease and Rent Control) Act. The petitioners herein appealed. The appellate authority granted stay, subject to the condition that an amount of Rs.15,000/- should be paid on or before 2.4.2007. Within the said time limit the amount was not deposited. So, the stay was vacated by order dated 2.4.2007 and the R.C.A was posted for hearing. Now, the landlords have moved for execution of Ext.P7 order passed by the executing court to effect delivery within seven days. In the above background, this writ petition is filed, praying for grant of further time to deposit the arrears of rent, as per the interim order of the appellate authority. The learned counsel for the petitioners made submissions on the plight of the petitioners. Though no jurisdictional error or other illegality has been pointed out in the order of the

Rent Control Appellate Authority, the learned counsel prayed for indulgence from the part of this Court, having regard to the special facts of the case.

2. If the order is executed and the tenant is evicted, the same will cause some inconvenience in every case. But, the same cannot be a ground to exercise the jurisdiction under Article 227 of the Constitution of India. This jurisdiction is conferred to keep the inferior Courts and Tribunals within jurisdiction. The same cannot be used to subvert the normal procedure followed in this case by the appellate authority. We find no jurisdictional error in the action of the said authority. Therefore, we have no jurisdiction to interfere in this matter. In the result, the writ petition fails and it is dismissed.

3. The learned counsel for the petitioners prayed for some time to vacate and surrender possession of the property voluntarily. Having regard to the facts of the case, time for the same is granted up to 19.11.2007.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/